



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/577,257	05/22/2000	Jeremy Chaney	REALNET.115A	3147

20995 7590 11/08/2002

Knobbe Martens Olson & Bear LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

EXAMINER

Anderson, Larry O

ART UNIT PAPER NUMBER

2173

DATE MAILED: 11/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/577,257

Applicant(s)

CHANEY, JEREMY

Examiner

Larry O Anderson

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.

- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

BA HUYNH
PRIMARY EXAMINER

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,356,971 (Katz et al., hereinafter Katz).
3. Regarding claims 1, 6, and 11, Katz teaches executing a music player that displays a graphical user interface comprising information about music items (see column 6, lines 1-4 and Figures 4A-4D); and displaying a customized graphical interface for managing the music items (see column 6, lines 1-4 and Figures 4A-4D), wherein the content of the custom graphical user interface is defined by a device driver for a music renderer (see column 7, lines 41-44; where Katz discloses a graphical user interface being customized by the device driver mounting CDs for the music renderer, with the tracks of those CDs being displayed in a track list on the

Art Unit: 2173

graphical user interface), and wherein the displaying of the customized graphical interface is in response to an event occurring during the execution of the music player (see column 7, lines 41-44; where Katz discloses the event being the audio CD being mounted).

4. Regarding claims 2, 7, and 12, Katz teaches the customized graphical interface being a window having at least one control object (see column 8, lines 31-34 and Figures 4A-4D; which show controls for a music player (i.e. "Stop", "Pause", "Play", etc.)).

5. Regarding claims 3, 8, and 13, Katz teaches the control object being a button (see Figures 4A-4D; which display the buttons used to control a music player).

6. Regarding claims 4, 9, and 14, Katz teaches managing the plurality of music items comprising copying a music item from a first location to a second location (see column 9, line 66 through column 10, line 4; where Katz describes a copy function used to transfer music from one location to another).

7. Regarding claims 5, 10, and 15, Katz teaches an event comprising receiving a request to transfer a music item from a storage device associated with the music player to a music renderer (see column 7, lines 41-44; where Katz describes a user requesting to play a particular music item in the music player).

8. Regarding claims 16 and 17, Katz teaches all the limitations (see rejections above) including one or more textual elements describing an aspect of the music player and receiving a request from a device driver to change/rename the textual element (see column 5, lines 19-32; where Katz discusses the CD changer device driver, which updates the slot list displayed when the contents of the CD changer change).

Art Unit: 2173

9. Regarding claim 18, Katz teaches executing a music player that plays music items upon a request from the user (see column 7, lines 41-44; where Katz describes a user requesting to play a particular music item in the music player); receiving a request from a device driver to disallow playback of the music items; and suspending playback of the music items on the music player (see Figures 4A-4D; where the device driver sends a request to the system to disallow playback when the user clicks on the "Pause" (vertical pipes) or "Stop" (square) buttons, as are clearly shown).

10. Regarding claim 19, Katz teaches receiving a request from the music driver to allow playback of the music items and resuming playback of the music items on the music player (see Figures 4A-4D; where the device driver sends a request to the system to allow and resume playback when the user clicks on the "Play" (right arrow), as is clearly shown).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over 6,356,971 (Katz et al., hereinafter Katz) in view of U.S. Patent No. 6,172,948 (Keller et al., hereinafter Keller). Katz teaches all the limitations of claim 20 (see rejections above) except for a teaching of burning a compact diskette with one or more of the music items, wherein the burning occurs subsequent to

Art Unit: 2173

subsequent playback of the music items, and wherein resuming playback of the music items occurs subsequent to burning the compact diskette. Keller teaches burning a CD occurring subsequent to subsequent playback of the music items (see column 14, lines 49-52; where Keller teaches burning a CD after reviewing and playing the audio tracks to be included), and resuming playback of the music items occurring subsequent to burning the compact diskette (see column 14, lines 57-63). It would have been obvious to one of ordinary skill in the art, having the teachings of Katz and Keller before him at the time the invention was made, to modify the music playing system taught by Katz to include burning a CD subsequent to playback of the music items and resuming playback of the music items occurring subsequent to burning the compact diskette, so that the audio data written to the CD can be reviewed and verified (see column 14 49-52) as taught by Keller.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar music playing and control systems.

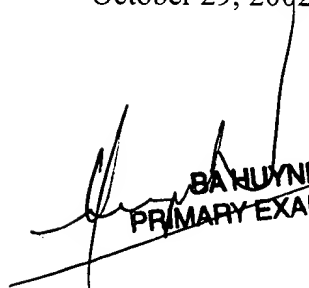
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry O Anderson whose telephone number is 703-305-7212. The examiner can normally be reached on M-TR 6:55-4:25 1st Fri. Off, 2nd Fri. 7:20-3:50.

Art Unit: 2173

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca can be reached on 703-308-3116. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

loa
October 29, 2002


BA HUYNH
PRIMARY EXAMINER